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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 01 2001

TECH CENTER 1600/2900

Applicants : Hans Carlsson et al.
Serial No. : 09/308,435
Filed : May 19, 1999
For : VACCINE DELIVERY SYSTEM AND METHOD OF PRODUCTION
Examiner : V. Portner
Group Art Unit : 1645

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to : The Assistant Commissioner for Patents, Washington, D.C. 20231, on

May 24, 2001

Richard J. Sterner _____ 35,372
Agent Name _____ PTO Reg. No.
Richard J. Sterner _____ May 24, 2001
Signature _____ Date of Signature

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a response to the Notice of Non-Compliant Amendment ("Notice") mailed on April 27, 2001 in the above-identified application. A copy of the Notice is enclosed. The Notice states that "[t]he amendment filed on April 9, 2001 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000...." The Notice indicates that the reasons the Amendment is non-compliant are:



the amendment does not include a clean version of the replacement paragraph/section,

- the amendment does not include a marked-up version of the replacement paragraph/section,
- the amendment does not include a clean version of the amended claim(s), and
- the amendment does not include a marked-up version of the amended claim(s).

However, in telephone discussions between one of Applicants' agents of record and the Legal Instruments Examiner, Daveina B. Williams, on May 15 and 16, 2001, the Examiner, upon review of the Amendment, acknowledged and agreed that the Amendment was compliant with the new rules with respect to amendments to the claims and that Applicants should disregard the Notice as far as the claims are concerned. The Examiner maintained, though, that the Amendment was non-compliant with respect to the amendments to the specification. According to the Examiner, in view of the new rules, the Patent Office does not accept an amendment wherein an Applicant requests amendment of the specification by instructing the Examiner to replace or substitute pages. According to the Examiner, Applicants' Amendment at page 2, last sentence, contained instructions to replace pages, which is not acceptable under the new rules, and, therefore, the Amendment is non-compliant. The Examiner further stated that the Office will accept amendments to the specification only wherein directions to replace paragraphs are given, even if the paragraphs encompass entire pages or several pages. Thus, while Applicants did in fact provide clean and marked-up versions of the amended portions of the specification, they were cited for the way in which the directions for making the amendments were given.

Applicants' April 5, 2001 Amendment and Response actually presents the amendments in question in a more efficient way and without ambiguity. Nonetheless, Applicants submit herewith a revised Amendment and Response to Office Action to replace the version submitted on April 5, 2001. The specification pages in question are not divided into true paragraphs. The April 5, 2001 Amendment has been revised to change the directions therein to replace specification pages to directions in the enclosed Amendment to replace "paragraphs" identified by line numbers on the pages in question. As a consequence, the clean version of the amended specification text now

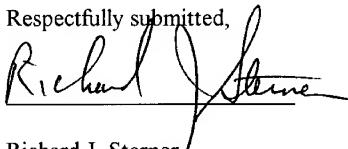
consists only of the identified "paragraphs" and not the previously identified entire pages. These are the only changes made to the amendments submitted April 5, 2001; as the Examiner acknowledged in the telephone discussions subsequent to issuance of the Notice, no other changes thereto are required for compliance to be achieved.

This paper is timely filed. Therefore no fee should be due. However, should it be determined that a fee is required for any reason, the Assistant Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Applicants respectfully request favorable consideration and entry hereof.

Dated: May 24, 2001

Respectfully submitted,



Richard J. Sterner
Reg. No. 35,372

Applicants' Agent
Customer Number 007470
(212) 819-8200

Agent's Direct Line:
(212) 819-8783

Enclosures



1103326-0560

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| | |
|--|-----------------------------------|
| Richard J. Sterner Agent Name | 35,372 PTO Reg. No. |
|  Signature | May 24, 2001 Date of Signature |

AMENDMENT AND RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is a response to the Office Action mailed on October 5, 2000 in the above-identified application.

Replace the paragraph at page 23, lines 1-4 with the following new paragraph:

B3

| | |
|---------------|--|
| Evans (8826) | VAMIGEIVLRPOPKRTIQKKSEPGLLFSTGLDKMEGVLI PAGFVKV TILEPMSGESLDSF (SEQ ID NO:15) |
| GTC (J99) | VAMNGEIVLRPOPKRTIQKKSEPGLLFSTGLDKMEGVLI PAGFVKV TILEPMSGESLDSF (SEQ ID NO:16) |
| Trust (17874) | VAMNGEIVLRPOPKRTIQKKSEPGLLFSTGLDKMEGVLI PAGFVKV TILEPMSGESLDSF (SEQ ID NO:16) |
| Penn (11637) | VAMNGEIVLRPOPKRTIQKKSEPGLLFSTGLDKMEGVLI PAGFIKV TILEPMSGESLDSF (SEQ ID NO:17) |

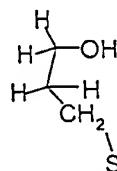
Replace the paragraph at page 24, lines 1-15 with the following new paragraph:

B4

| | |
|---------------|--|
| TIGR (26695) | VAMNGEIVLRPDPKRTIQKKSEPGLLFSTGLDKMEGVLI PAGFVKV TILEPMSGESLDSF (SEQ ID NO:16) |
| | |
| Evans (8826) | TMOLSELQEKFLKTTTHSSHSGGLVSTMVKGTDNSNDAIKSALNKIFASIMQEIDOKKL (SEQ ID NO:18) |
| GTC (J99) | TMOLSELQEKFLKTTTHSSHSGGLVSTMVKGTDNSNDAIKSALNKIFASIMQEIDOKKL (SEQ ID NO:18) |
| Trust (17874) | TMOLSELQEKFLKTTTHSSHSGGLVSTMVKGTDNSNDAIKSALNKIFGSIMQEIDOKKL (SEQ ID NO:19) |
| Penn (11637) | TMOLSELQEKFLKTTTHSSHSGGLVSTMVKGTDNSNDAIKSALNKIFANIMQEIDOKKL (SEQ ID NO:20) |
| TIGR (26695) | TMOLSELQEKFLKTTTHSSHSGGLVSTMVKGTDNSNDAIKSALNKIFANIMQEIDOKKL (SEQ ID NO:20) |
| | |
| Evans (8826) | QRNLESYQKDAKELKNKRN (SEQ ID NO:21) |
| GTC (J99) | QRNLESYQKDAKELKNKRN (SEQ ID NO:21) |
| Trust (17874) | QKNLESYQKDAKELKGKRNR (SEQ ID NO:22) |
| Penn (11637) | QKNLESYQKDAKELKGKRNR (SEQ ID NO:22) |
| TIGR (26695) | QKNLESYQKDAKELKGKRNR (SEQ ID NO:22) |

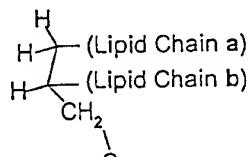
Replace the paragraph at page 26, lines 1-8 with the following new paragraph:

I Met ——— Leu-Ala-Gly-Cys ——— Protein (SEQ ID NO:23)



II Met ——— Leu-Ala-Gly-Cys ——— Protein (SEQ ID NO:24)

III



Met ——— Leu-Ala-Gly-Cys ——— Protein (SEQ ID NO:25)